

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



ROBERT FARR,

Plaintiff,

v.

24-CV-673 (JLS) (JJM)

AUSTIN LORANGER,

Defendant.

DECISION AND ORDER

Plaintiff Robert Farr commenced an action in Supreme Court, Erie County on April 10, 2024 seeking recovery for injuries sustained June 2, 2021 motor vehicle accident. *See* Dkt. 1-2 at 2-4.¹ Defendant removed the action on July 17, 2024. Dkt. 1. On July 23, 2024, this Court referred the case to United States Magistrate Jeremiah J. McCarthy for all proceedings under 28 U.S.C. §§ 636(b)(1)(A), (B), and (C). Dkt. 3.

On August 16, 2024, Plaintiff moved to remand the case to state court. Dkt. 5. Defendant opposed Plaintiff's motion and cross moved to dismiss. Dkt. 7. Plaintiff opposed Defendant's motion and replied as to his own motion. Dkt. 9.

On December 2, 2024, Judge McCarthy issued a Report and Recommendation ("R&R") recommending that this Court grant Plaintiff's [5] motion to remand and

¹ Page numbers refer to the CM/ECF stamped numbering in the header of each page.


deny Defendant's [7] motion to dismiss without prejudice to renewal in state court. No party filed objections, and the time to do so has expired.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. See 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

This Court carefully reviewed the R&R and the relevant record. Based on that review, the Court accepts and adopts Judge McCarthy's recommendation. As such, the [5] motion to remand this action to state court is GRANTED and the [7] motion to dismiss is DENIED without prejudice to renewal in state court. The Clerk of Court shall close this case.

SO ORDERED.

Dated: January 15, 2025
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE